

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

JAN 25 2005

Federal Communications Commission  
Office of Secretary

DOCKET FILE COPY ORIGINAL

E.B. Docket No. 04-381

FLORIDA CABLE  
TELECOMMUNICATIONS ASSOCIATION,  
INC., COX COMMUNICATIONS GULF  
COAST, L.L.C., et. al.

Complainants,

v.

GULF POWER COMPANY,

Respondent.

To: Office of the Secretary

Attn.: The Honorable Richard L. Sippel  
Chief Administrative Law Judge

**GULF POWER'S PROPOSED ADDITIONAL AGENDA ITEMS  
FOR JANUARY 31, 2005 PREHEARING CONFERENCE**

Gulf Power Company ("Gulf Power"), in accordance with the January 11, 2005 Order, submits the following proposed additional agenda items for the January 31, 2005 Prehearing Conference:<sup>1</sup>

1. Whether Complainants are due to produce documents from Florida Cable Telecommunications Association ("FCTA") members (other than the named Complainants), if individual FCTA members seek the benefit of the May 13, 2003 FCC Order.<sup>2</sup>

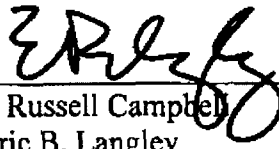
---

<sup>1</sup> The parties were not able to agree upon a proposed agenda. Complainants e-mailed a proposed draft joint agenda to undersigned counsel. But this draft -- which contained eleven pages of argument as to why Gulf Power should lose the case right now -- was not what Gulf Power understood the January 11, 2005 Order to intend ("The parties are to file a suggested agenda . . .").

<sup>2</sup> The documents produced by Complainants in the January 12, 2005 exchange were from Cox, Comcast, Mediacom, and Bright House only.

2. Whether, in light of the estimated time for Gulf Power's consultant to complete its work (as set forth in the January 11, 2005 letter report), the interests of justice would be best served by a temporary stay or revision to existing procedural deadlines.<sup>3</sup>
3. Whether Gulf Power is expected to respond to the purportedly dispositive arguments made by Complainants in each of their submissions, including those which the Presiding Judge prospectively characterizes as "reports" or "suggested agendas."

Respectfully submitted,



J. Russell Campbell  
Eric B. Langley  
Jennifer M. Buettner  
**BALCH & BINGHAM LLP**  
1710 Sixth Avenue North  
Birmingham, Alabama 35203-2015  
Telephone: (205) 251-8100  
Facsimile: (205) 226-8798

Ralph A. Peterson  
**BEGGS & LANE, LLP**  
501 Commendancia Street  
Pensacola, Florida 32591  
Telephone: (850) 432-2451  
Facsimile: (850) 469-3330

**Counsel for Respondent**

---

<sup>3</sup> The estimate provided by the consultants to complete the comprehensive accounting was 5 to 7 months.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Proposed Additional Agenda Items For January 31, 2005 Prehearing Conference has been served upon the following by Electronic Mail and by United States Mail on this the 25<sup>th</sup> day of January, 2005:

Lisa Griffin Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	Shiela Parker Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail
Rhonda Lien Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, SW Washington, D.C. 20554
James Shook Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	David H. Solomon Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554
Director, Division of Record and Reporting Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850	Federal Energy Regulatory Commission Docket Room 1A-209 888 First Street, NE Washington, D.C. 20426
John D. Seiver Brian D. Josef COLE, RAYWID & BRAVERMAN 1919 Pennsylvania Avenue, N.W. Suite 200 Washington, D.C. 20006 Via E-mail	

  
\_\_\_\_\_  
OF COUNSEL